



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PDV USA, INC,

Plaintiff,

- against -

INTERAMERICAN CONSULTING INC,

Defendant.
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20-CV-3699 (JGK) (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

This order resolves Plaintiff's application to compel production of the so-called "FBI Memo" that has been the subject of earlier correspondence and orders. (See, e.g., Dkts. 96, 98, 103, 109, 112, 113.) The FBI Memo is in fact a declaration of an FBI agent and will be referred to herein as the FBI Declaration. On October 5, 2022, as directed by the Court, Defendant submitted, for in camera review, an attorney declaration and deposition transcript during which Mr. Rivera alluded to the FBI Declaration. The attorney submitting his own declaration represents Mr. Rivera in certain proceedings. The attorney declaration attached certain filings and orders from sealed proceedings in the Southern District of Florida and the Eleventh Circuit Court of Appeals. Those filings and orders confirm that the document at issue was filed under seal and remains under seal in the S.D. Fla. and 11th Circuit proceedings. Moreover, the very subject of the sealed filings concerns whether a particular document is subject to attorney-client privilege which was attached to and the subject of the FBI Declaration. While the FBI Declaration and/or underlying document attached thereto may potentially have some limited relevance to the instant proceeding, this Court does not have sufficient basis to order the FBI Declaration's

production in this case, even under seal. If Plaintiff wishes to pursue production of the FBI Declaration, it will need to seek relief in the Southern District of Florida.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', with a long horizontal stroke extending to the right.

ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: October 6, 2022
New York, New York

Copies transmitted this date to all counsel of record.